

### REMARKS

Applicant respectfully requests consideration and allowance of the subject application. Claims 1-40 are pending in this application. Claims 8-32 are pending examination.

The claims 8-32 are subjected to a restriction requirement under 35 U.S.C. §121 as containing two distinct inventions:

- I. Claims 8-25 drawn to a method comprising supporting a fuel cell stack on a current collector layer, classified in class 29, subclass 730.
- II. Claims 26-32 drawn to a method comprising forming a patterned form and depositing material in the patterned form to make a current collector layer that supports the fuel cell stack, classified in class 29, subclass 890.06.

Applicant hereby elects, **with traverse**, to prosecute claims 8-25 (Group I) in the event that the restriction requirement is maintained.

Applicant respectfully submits that Groups I and II may be found to be commonly searchable without serious burden on the Examiner, as the element of etching in dependent claim 9 of Group I can result in the same patterned current collector layer as that of claim 26 of Group II. Thus, Applicant respectfully submits that it may be found that such a distinction based on “patterned” cannot be used as a basis for separating the claims of Group I and Group II.

In such a case, MPEP 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant recommends that the search and examination of the claims of Groups I and II can be made without serious burden to the Examiner because the search required for Group II will require searching for elements that are included in one or more of the claims in Group I.

Thus, Applicant respectfully raises the possibility that the restriction requirement should be withdrawn.

### **Conclusion**

Applicant respectfully requests withdrawal of the restriction requirement, and issuance of the subject application.

Respectfully Submitted,

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